

COUNTY OF YORK

MEMORANDUM

DATE: November 12, 2002 (BOS Mtg. 12/3/02)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed license agreement, utility line extensions across County-owned property—Thomas and Deborah Richardson

Attached is a draft license agreement by which the County would allow Thomas E. and Deborah R. Richardson to utilize a portion of a previously platted but unimproved street for the purpose of running private water lines from their residence at 217A Railway Road to the nearest connection point for the Dare Sewer and Water Project, Section 4. In 1968, Mr. and Mrs. Richardson's lot was created by subdivision, and the subdivision plat (approved by the County) created several roadways, all conveyed to the County by operation of law upon recordation of the subdivision plat. Some, but not all, of the streets have been improved and paved and the water and sewer line extensions in the Dare, Section 4, project are being placed within those paved sections of the road which, I am advised, are part of the State Secondary System of Highways. However, Mr. and Mrs. Richardson's property is separated from the nearest paved roadway (Robs Road) by a short stretch of platted right-of-way 22' in width, as shown on the attached map produced by the County's Office of Geographic Information Services. The Richardsons wish the County's permission to run a private water line through the 22' right-of-way to a point where the private line can connect with the public water line being installed by the County on Robs Road. The Department of Environmental and Development Services advise me that other arrangements are being made to connect the residence to public sewer. I have attached not only the GIS map, but also an excerpt from the recorded subdivision plat (which unfortunately does not copy well) to show the location of the 22' wide roadway in question.

The draft agreement provides that the permission to install the utility line is nonexclusive, requires Mr. and Mrs. Richardson to relocate the utility line, if necessary, if the right-of-way is ever improved, and provides further that Mr. and Mrs. Richardson will guarantee and indemnify the County and its employees and agents from any losses or damage caused by their use of the right-of-way.

For your information, a similar license agreement was granted by the County in May 2000 for the benefit of a parcel located adjacent to the Willow Lakes subdivision to allow the owners of that parcel to run private sewer lines through a platted but unopened stub street in order to connect to the water and sewer lines being constructed in Willow Lakes. The attached draft license agreement prepared for the benefit of Mr. and Mrs. Richardson is patterned on that earlier agreement approved by the Board in May 2000 for the benefit of Roland and Betty Rollins, and Dennis and Barbara Rollins.

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The Department of Environmental and Development Services (EDS) has evaluated this request for the license agreement and has requested that my office prepare the necessary documentation to place the matter before you for consideration. I anticipate that a representative from EDS will be at your meeting to answer any questions that you may have.

Barnett/3440:swb

Attachments

- ? Proposed license agreement
- ? GIS map and excerpt from subdivision plat
- ? Resolution R02-199